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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/441,289	11/16/1999	ANDREW E. SUHY	I-21739	4128

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[REDACTED]
EXAMINER

HEWITT II, CALVIN L

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 03/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/441,289	SUHY ET AL.
	Examiner	Art Unit
	Calvin L Hewitt II	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 December 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 16 and 21-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 16 and 21-48 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Status of Claims

1. Claims 16 and 21-48 have been examined

Response to Arguments

2. Applicant's arguments with respect to claim16 and 21-48 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16 and 43-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al., U.S. Patent No. 6,141,629 in view of Ryder's Fast Track Maintenance Service (Beverage World "New lease on truck life: Automated maintenance" by Bob Deierlein and Business Week "The Great

Equalizer" by Ira Sager), Nguyen et al., U.S. Patent No. 6,003,808 and McGuire et al., U.S. Patent No. 4,404,639.

As per claim 16 and 43-47, Yamamoto et al. teach transmitting data to an administrative controller (figures 10-12) that manages and controls maintenance information on all construction machines (column 9, lines 5-18) and determining when service should be performed based on the amount of usage (column 2, lines 1-13). Yamamoto does not explicitly recite warranties. Ryder Commercial Services and Leasing, however, has developed an automated vehicle maintenance service comprising comparing the indication of the amount of usage of the asset with a predetermined standard that is representative of the warranty period ("New lease...", page 2, lines 10-15), transmitting asset usage data to a central controller using a hand-held device ("New lease...", page 1, lines 22-37). Both systems recite transmitting maintenance data to a computer after maintenance is performed ('629, column 11, lines 16-24; "New lease...", page 1, lines 45-50). Ryder also teaches entities that perform service on an asset where the entity is not the owner, and/or doesn't operate the asset ("The Great Equalizer", page 1, lines 5-10). Neither, Yamamoto et al. nor Brazilai et al. explicitly recite warranty reports or invoice generation. Regarding generating a warranty report, Nguyen et al. teach a warranty report generated without human intervention if the amount of usage is less than a predetermined standard (column 4, lines 50-61). As part of the report generating process the system of

Nguyen et al. compares an indication of the amount of usage of the asset with a predetermined standard that is representative of the warranty period (column 4, lines 32-49). McGuire et al. teach automated invoicing, in response to third-party maintenance, that includes the amount of usage of an asset (column 2, lines 14-41; column 3, lines 52-63; column 4, lines 3-31; column 5, lines 1-58; column/line 8/65-9/41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Yamamoto et al., Ryder, Nguyen et al., and McGuire et al. in order to reduce time lost due to capital equipment failures and part procurement through the automatic recording of maintenance actions by maintenance personnel and the validating and/or generating of warranty claim applications ('308, column/line 1/65-2/2).

As per claim 48, it would have been obvious to repair an asset without referring to a warranty if the communication system was down and the maintenance data could not be obtained instantly.

6. Claims 21-24, 27-35 and 38-42 rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al., U.S. Patent No. 6,141,629, Brazilai et al., U.S. Patent No. 6,012,045, Nguyen et al., U.S. Patent No. 6,003,808 and McGuire et al., U.S. Patent No. 4,404,639..

As per claims 21-24, 27-35 and 38-42, Yamamoto et al. teach:

- a local controller at a first location that acquires data regarding

operating characteristics of an asset (figure 12; column 4, lines 30-50)

- a data acquisition device (column 4, lines 20-29)
- a transmitter (figure 12; column 4, lines 45-50)
- a second controller at an alternative location for data analysis, in particular to determine whether maintenance to an asset has taken place (figure 12, item 20; column 4, lines 44-50; column 9, lines 18-23; column 11, lines 17-23; column 11, lines 49-55; column 12, lines 54-57)
- an electronic communications network between the local controller and second controller (figure 12; column 4, lines 44-50)
- wireless communication between transmitter and receiver (figure 12, items A-I; column 8, lines 51-61)
- an administrative controller that receives data from the second controller (figure 12; column 9, lines 5-18)
- a global communications network that links the second controller and administrative controller (figure 12; column 9, lines 18-23)
- automatic determination as to whether maintenance has been performed on an asset (column 13, lines 4-12)
- a plurality of administrative controllers (figure 12, items 50-60; column 9, lines 5-23)

Yamamoto et al. do not teach automatic determination of whether or not maintenance has been performed at the analysis controller or systematic collation of data to obtain warranty data. Barzilai et al. teach an internet site for obtaining warranty information. In particular, Barzilai et al. use the internet to automatically provide users with suppliers and manufacturers for products and services and identifies the company who will fulfill and correct any warranty problem and its location (column/line 8/49-9/35). Regarding the analysis controller, it would have been obvious to one of ordinary skill to allow the analysis controller to perform such a function. Yamamoto et al. teach that the analysis controller is linked via a communication network to the administrative controller (column 9, lines 18-30) that monitors maintenance related data (column 9, lines 5-18; column 13, lines 4-12). Neither, Yamamoto et al. nor Brazilai et al. explicitly recite warranty reports or invoice generation. Nguyen et al. teach a warranty report generated without human intervention if the amount of usage is less than a predetermined standard (column 4, lines 50-61). As part of the report generating process the system of Nguyen et al. compares an indication of the amount of usage of the asset with a predetermined standard that is representative of the warranty period (column 4, lines 32-49). McGuire et al. teach automated invoicing, in response to third-party maintenance, that includes the amount of usage of an asset (column 2, lines 14-41; column 3, lines 52-63; column 4, lines 3-31; column 5, lines 1-58; column/line 8/65-9/41). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Yamamoto et al., Barzilai et al., Nguyen et al., and McGuire et al. in order to reduce time lost due to capital equipment failures and part procurement through the automatic recording of maintenance actions by maintenance personnel and the validating and/or generating of warranty claim applications ('308, column/line 1/65-2/2).

As per claims 25, 26, 36 and 37, Yamamoto et al. teach analysis, local and administrative controllers that communicate using wireless and global communication networks and where the administrative controller is configured to manage and control maintenance information (figure 12; column 9, lines 5-35). Barzilai et al. teach an internet site for obtaining warranty information. In particular, Barzilai et al. use the internet to automatically provide users with suppliers and manufacturers for products and services and identifies the company who will fulfill and correct any warranty problem and its location (column/line 8/49-9/35). Regarding generating a warranty report, Nguyen et al. teach a warranty report generated without human intervention if the amount of usage is less than a predetermined standard (column 4, lines 50-61). As part of the report generating process the system of Nguyen et al. compares an indication of the amount of usage of the asset with a predetermined standard that is representative of the warranty period (column 4, lines 32-49). McGuire et al. teach automated invoicing, in response to third-party maintenance, that includes

the amount of usage of an asset (column 2, lines 14-41; column 3, lines 52-63; column 4, lines 3-31; column 5, lines 1-58; column/line 8/65-9/41). Therefore, it would have been obvious for one of ordinary skill in the art to combine the teachings of Yamamoto et al., Barzilai et al., Nguyen et al. and McGuire et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Yamamoto et al., Brazilai et al., Nguyen et al., and McGuire et al. in order to reduce time lost due to capital equipment failures and part procurement through the automatic recording of maintenance actions by maintenance personnel and the validating and/or generating of warranty claim applications ('308, column/line 1/65-2/2).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to"

Commissioner of Patents and Trademarks

c/o Technology Center 2700

Washington, D.C. 20231 or faxed to:

(703) 308-9051 (for formal communications intended for entry)

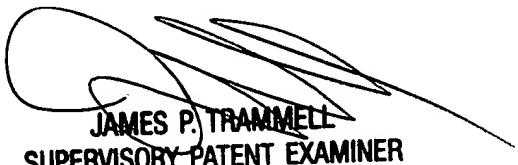
or:

(703) 308-5397 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application
should be directed to the Group receptionist whose telephone number is (703)
305-3900.

Calvin Loyd Hewitt II
February 24, 2003



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600